

(i) Timely appeals shall be accepted and processed by the Director, Human Resources Directorate, or his or her designee, who will issue the final agency decision which may include appropriate corrective action to be taken by the agency.

(j) The agency shall notify the complainant of the results of the appeal within 30 days of the receipt of the appeal. If the agency determines that it needs additional information from the complainant, it shall have 30 days from the date it received the additional information to make its determination on the appeal.

(k) The time limits cited in paragraphs (g) and (j) of this section may be extended for an individual case when the Assistant Secretary for Departmental Finance and Management determines that there is good cause, based on the particular circumstances of that case, for the extension.

(l) The agency may delegate its authority for conducting complaint investigations to other Federal agencies or may contract with a nongovernment investigator to perform the investigation, but the authority for making the final determination may not be delegated to another agency.

#### §§ 17.171–17.999 [Reserved]

### PART 18—OFFICIALS DESIGNATED TO PERFORM THE FUNCTIONS AND DUTIES OF CERTAIN OFFICES IN CASE OF ABSENCE, DISABILITY, OR VACANCY

Sec.

18.1 Designation of First Assistants.

18.2 Exceptions.

AUTHORITY: 5 U.S.C. 301; 31 U.S.C. 321.

SOURCE: 64 FR 62112, Nov. 16, 1999, unless otherwise noted.

#### § 18.1 Designation of First Assistants.

Except as provided in § 18.2, every office within the Department of the Treasury (including its bureaus) to which appointment is required to be made by the President with the advice and consent of the Senate (“PAS Office”) may have a First Assistant within the meaning of 5 U.S.C. 3345–3349d.

(a) Where there is a position of principal deputy to the PAS Office, the principal deputy shall be the First Assistant.

(b) Where there is only one deputy position to the PAS Office, the official in that position shall be the First Assistant.

(c) Where neither paragraph (a) nor (b) of this section is applicable to the PAS Office, the Secretary of the Treasury may designate in writing the First Assistant.

#### § 18.2 Exceptions.

(a) Section 18.1 shall not apply:

(1) When a statute which meets the requirements of 5 U.S.C. 3347(a) prescribes another means for authorizing an officer or employee to perform the functions and duties of a PAS Office in the Department temporarily in an acting capacity; and

(2) To the office of a member of the Internal Revenue Service Oversight Board.

(b) The Inspector General of the Department of the Treasury shall determine any arrangements for the temporary performance of the functions and duties of the Inspector General of the Department of the Treasury when that office is vacant.

(c) The Treasury Inspector General for Tax Administration shall determine any arrangements for the temporary performance of the functions and duties of the Treasury Inspector General for Tax Administration when that office is vacant.

### PART 19—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Sec.

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**31 CFR Subtitle A (7–1–04 Edition)**

**DISCLOSING INFORMATION—PRIMARY TIER PARTICIPANTS**

- 19.335 What information must I provide before entering into a covered transaction with the Department of the Treasury?
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- 19.355 What Information must I provide to a higher tier participant before entering into a covered transaction with that participant?
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- 19.805 What notice does the debarring official give me if I am proposed for debarment?
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- 19.815 How may I contest a proposed debarment?
- 19.820 How much time do I have to contest a proposed debarment?
- 19.825 What information must I provide to the debarring official if I contest a proposed debarment?
- 19.830 Under what conditions do I get an additional opportunity to challenge the facts on which the proposed debarment is based?
- 19.835 Are debarment proceedings formal?
- 19.840 How is fact-finding conducted?
- 19.845 What does the debarring official consider in deciding whether to debar me?
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- 19.860 What factors may influence the debarring official's decision?
- 19.865 How long may my debarment last?
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- 19.900 Adequate evidence.
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- 19.915 Agent or representative.
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- 19.925 Conviction.
- 19.930 Debarment.
- 19.935 Debarring official.
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- 19.945 Excluded or exclusion.
- 19.950 Excluded Parties List System.
- 19.955 Indictment.
- 19.960 Ineligible or ineligibility.
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- 19.970 Nonprocurement transaction.
- 19.975 Notice.
- 19.980 Participant.
- 19.985 Person.
- 19.990 Preponderance of the evidence.
- 19.995 Principal.
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- 19.1005 State.
- 19.1010 Suspending official.
- 19.1015 Suspension.
- 19.1020 Voluntary exclusion or voluntarily excluded.

## § 19.25

## 31 CFR Subtitle A (7–1–04 Edition)

### Subpart J [Reserved]

SOURCE: 68 FR 66544, 66605, 66607, Nov. 26, 2003, unless otherwise noted.

#### APPENDIX TO PART 19—COVERED TRANSACTIONS

AUTHORITY: Sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 11738 (3 CFR, 1973 Comp., p. 799); E.O. 12549 (3 CFR, 1986 Comp., p. 189); E.O. 12689 (3 CFR, 1989 Comp., p. 235).

#### § 19.25 How is this part organized?

(a) This part is subdivided into ten subparts. Each subpart contains information related to a broad topic or specific audience with special responsibilities, as shown in the following table:

In subpart . . .	You will find provisions related to . . .
A .....	general information about this rule.
B .....	the types of Department of the Treasury transactions that are covered by the Governmentwide non-procurement suspension and debarment system.
C .....	the responsibilities of persons who participate in covered transactions.
D .....	the responsibilities of Department of the Treasury officials who are authorized to enter into covered transactions.
E .....	the responsibilities of Federal agencies for the <i>Excluded Parties List System</i> (Disseminated by the General Services Administration).
F .....	the general principles governing suspension, debarment, voluntary exclusion and settlement.
G .....	suspension actions.
H .....	debarment actions.
I .....	definitions of terms used in this part.
J .....	[Reserved]

(b) The following table shows which subparts may be of special interest to you, depending on who you are:

If you are . . .	See subpart(s) . . .
(1) a participant or principal in a non-procurement transaction.	A, B, C, and I.
(2) a respondent in a suspension action	A, B, F, G and I.
(3) a respondent in a debarment action	A, B, F, H and I.
(4) a suspending official .....	A, B, D, E, F, G and I.
(5) a debarring official .....	A, B, D, E, F, H and I.
(6) a (n) Department of the Treasury official authorized to enter into a covered transaction.	A, B, D, E and I.
(7) Reserved .....	J.

#### § 19.75 Do terms in this part have special meanings?

This part uses terms throughout the text that have special meaning. Those terms are defined in Subpart I of this part. For example, three important terms are—

(a) *Exclusion or excluded*, which refers only to discretionary actions taken by a suspending or debarring official under this part or the Federal Acquisition Regulation (48 CFR part 9, subpart 9.4);

(b) *Disqualification or disqualified*, which refers to prohibitions under specific statutes, executive orders (other than Executive Order 12549 and Executive Order 12689), or other authorities. Disqualifications frequently are not subject to the discretion of an agency official, may have a different scope than exclusions, or have special conditions that apply to the disqualification; and

(c) *Ineligibility or ineligible*, which generally refers to a person who is either excluded or disqualified.

#### § 19.50 How is this part written?

(a) This part uses a “plain language” format to make it easier for the general public and business community to use. The section headings and text, often in the form of questions and answers, must be read together.

(b) Pronouns used within this part, such as “I” and “you,” change from subpart to subpart depending on the audience being addressed. The pronoun “we” always is the Department of the Treasury.

(c) The “Covered Transactions” diagram in the appendix to this part shows the levels or “tiers” at which the Department of the Treasury enforces an exclusion under this part.

### Subpart A—General

#### § 19.100 What does this part do?

This part adopts a governmentwide system of debarment and suspension for Department of the Treasury non-procurement activities. It also provides